



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

OCTOBER 14, 2019

9:30

Calendar No. 19-222:

3509 Denison Ave.

Ward 12

Anthony Brancatelli

12 Notices

David Klypchak, owner, proposes to erect 147.5 linear feet of six foot high wooden fence and 17 linear feet of 6 foot high gate in a C1 Multi-Family Residential. The owner appeals for relief from the strict application of Section 358.04(a) of Cleveland Codified Ordinances which states that in the actual side street yard a fence shall not exceed four feet in height and shall be at least fifty percent open. (Filed September 9, 2019)

9:30

Calendar No. 19-225:

4304 Leading Ave.

Ward 14

Jasmine Santana

9 Notices

Angel Bivas, owner, proposes to build a 1 story 1,050 square foot steel frame garage on a 9,150 square feet lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.23(a)(6)(A) of the Cleveland Codified Ordinances which states that in a Residential District the floor area of a private garage erected as an accessory building shall not exceed six hundred fifty (650) square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet in which event the floor area may be increased in the ratio of one (1) square foot for each twelve (12) square feet of additional lot area. The maximum accessory garage allowed is 1,012.5 square feet and a 1,050 square foot garage is proposed. (Filed September 11, 2019)

9:30

Calendar No. 19-226:

1335 E. 90 Street

Ward 7

Basheer Jones

16 Notices

Annette Johnson Rucker, owner, proposes to establish use as a Residential Facility for five residents in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that a "Residential Facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are

receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults

2. Sections 337.02(h) and 337.03 which state that in a Two-Family District, a residential facility, as defined in Chapter 325 of this Zoning Code, for one (1) to five (5) unrelated persons must be located not less than one thousand (1,000) feet from another residential facility. Proposed use is within 1,000 feet of an existing Residential Facility, the Tender Love & care Adult Family Home at 1322 Ansel Road. (Filed September 11, 2019)

9:30

Calendar No. 19-227: 3964 Rocky River Dr.

Ward 17

Martin J. Keane

27 Notices

Blue Legacy, LLC., owner, proposes to establish use for automobile detailing in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.08 which states that an Automobile Detailing establishment is not permitted in a Two Family Residential District, first permitted in a General Retail Business District.
2. Section 343.13 (a)(1) which states that when in a General Retail Business District the use is not permitted within 100 feet of a Residential District unless a solid fence or wall at least six feet in height is placed along any abutting property line.
3. Sections 352.08-10 which state that a 10 foot wide transition landscaped strip providing 75% year round opacity is required where the property abuts a residential district.
4. Section 352.07(b)(2) which states that Board of Zoning Appeals determination is required to maintain existing, non-conforming landscaping when a change of use occurs.
5. Section 341.02 which states that approval of the City Planning Department/Commission is required for exterior alterations in a Design Review District.(Filed September 11, 2019)

9:30

Calendar No. 19-244: 1453 W. 116 Street

Ward 15

Matt Zone

17 Notices

Christian J. Riemenschneider, owner, proposes to erect a 35' x 20' concrete garage pad only for a future 4 car reverse gable garage to existing 4 family residence in a B1Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.23(a) which states that an accessory building shall not occupy more than 40 percent of required rear yard or in this case 320 square feet and the appellant is proposing 750 square feet. (Filed September 11, 2019)

POSTPONED FROM SEPTEMBER 16, 2019

9:30

Calendar No. 19-203:

2443 Thurman Ave.

Ward 3

Kerry McCormack

11 Notices

Elvis Sugar, owner, and Oliver Flesher, prospective purchaser, propose to erect a 3 story single family residence with an attached front loaded garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(A)(2) which states that attached garages are required to be placed on the rear half of the lot.
2. Section 355.04(a) which states that the Maximum Gross Floor Area shall not exceed 50 percent of lot size or in this case 907 square feet and the appellant is proposing 2,694 square feet
3. Section 357.08(b)(2) which states that the Required Rear Yard is 40 feet and the appellant is proposing 4 feet.
4. Section 357.09(b)(2)(C) which states that the Minimum distance between main buildings on an adjoining lot shall not be less than 6 feet and the appellant is proposing 3 feet/
5. 341.02 (b) City Planning approval is required prior to the issuance of a building permit.

(Filed August 13, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME FOR BLOCK CLUB REVIEW.*

POSTPONED FROM SEPTEMBER 9, 2019

9:30

Calendar No. 19-193:

2035 W. 18 Street

Ward 3

Kerry McCormack

11 Notices

DI Rentals, LLC., owner, propose to erect a 3 story single family residence with attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 (a) which states that the maximum gross floor area shall not exceed 50 percent of the lot sign or in this case 2,060 square feet and the owner is proposing 2,060 square feet.
2. Section 357.08(3) which states that the required Rear Yard for an irregular shaped lot is 10 feet and the appellant is proposing 1 foot.
3. Section 357.13 which states that an Air Conditioning Unit is not a permitted Interior Side yard Encroachment.
4. Section 341.02 (b) which states that City Planning approval is required prior to the issuance of a building permit.

5. Note: Consolidation & easement requires approval engineering & construction 518 (Filed August 6, 2019-No Testimony) FIRST POSTPONEMENT WAS REQUESTED BY CITY PLANNING TO ALLOW TIME FOR DESIGN REVIEW AND BLOCK CLUB REVIEW.

POSTPONED FROM SEPTEMBER 9, 2019

9:30

Calendar No. 19-134:

565 E. 110 Street

Ward 10

Anthony Hairston

21 Notices

Merrit Housing Inv., owner, and Alicia Brewer, lessee, propose to establish use as a state-licensed Residential Facility for up to five residents in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that a "Residential Facility" means a publicly or privately operated home or facility, license pursuant to the state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two(2) unrelated persons with mental illness; (b)one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three(3) to sixteen (16) unrelated adults.
2. Section 337.02(h) which states that a Residential Facility in One-Family Residential District must be at least 1,000 feet apart. Proposed use is within 1,000 feet of existing Residential Facility, Royal Haven Adult Family Home at 656 East 109 Street (Filed May 22, 2019- Testimony Taken) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME FOR THE COUNCILMAN TO SEND OUT AN INSPECTOR TO THE PROPERTY. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH CITY PLANNING AND COUNCILMAN HAIRSTON.*